



Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • www.hopkinton-nh.gov
Tel: 603-746-3170 Fax: 603-746-3049

HOPKINTON ZONING BOARD OF ADJUSTMENT APPLICATION FOR APPEAL

Ten completed copies of the application with all supporting documentation must be submitted.

Name of Applicant: NEIL FLANAGAN / MELINDA FLANAGAN
Mailing Address: PO BOX 123 CONTOOCOOK NH 03229
Telephone (days): 603-724-7305
Name of Property Owner: NEIL & MELINDA FLANAGAN
Mailing Address: PO BOX 123 CONTOOCOOK NH 03229
Telephone (days): 603-724-7305
Tax Map: 102-047 Lot: _____ Location of Property: 23 MAPLE ST.

Zoning of property in question (circle one): R-1 R-2 R-3 R-4 B-1 M-1 VR-1 VB-1 VM-1

Section of Hopkinton Zoning Ordinance under which your application was denied or you believe your proposal relates to: Section: 4 Paragraph/Table: 4.4.1

A copy of your denied Building/Use Application or administrative decision must be attached.

This application is for: ☒ Variance ☐ Special Exception ☐ Equitable Waiver ☐ Administrative Appeal

The undersigned hereby requests a Variance, Special Exception, Equitable Waiver, and Administrative Appeal to permit the following:

REPLACING AN OLD & ROTTING SHED WITH A NEW
REED'S FERRY SHED.
OLD SHED 10' X 10'
NEW SHED 8' X 12'
PROPOSING SAME LOCATION

NOTE: Additional information may be supplied on a separate sheet if the space provided is inadequate.

1. Hearing, Abutter, Notification Fees:

- Variance – \$100.00
- Special Exception – \$100.00
- Equitable Waiver – \$100.00
- Administrative Appeal – \$100.00
- Rehearing – \$100.00
- Notification of each Owner, Applicant, Agent, Abutter – \$5.00
- Published Notice – \$75.00

2. List of names and mailing addresses of all abutters to the property as defined by NH RSA 672:3.

Supply information on separate sheet. Abutter is any person whose property adjoins or is directly across the street or stream from the land under consideration.

3. **Attach location map showing exact location of property in relation to at least one prominent landmark (road junction, business, town building, etc.).** Include north arrow and label road names. Indicate with an X the location of the property in question.
4. **Attach site plan of property showing:** Boundaries and area of parcel; north point, scale, legend, and location, size and type of all existing and proposed buildings, uses, parking, signs, roadways, screening, etc. Map submitted to included one full-size and ten 11" x 17" or less.
5. **List provisions to be made for septic disposal, fire protection, water supply, parking, noise, smoke, surface drainage, etc.** Supply information on separate sheet.
6. **Letter of Authorization to allow an Agent or Attorney to represent Applicant, if applicable.**
7. **Copy of property deed of the subject property.**
8. **Any other pertinent information that you feel the Board may need to assist in their decision-making process.**

You must appear at the public hearing or be presented by an authorized agent or attorney for the Board to act on your application. The application will be terminated or tabled for failure to appear at a scheduled public hearing, without first providing written notification to the Planning Department.

You are fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the Board's decision on your application request. The Town of Hopkinton assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal and local laws, codes, land development regulations and comprehensive plan. The Town of Hopkinton strongly encourages all applicants to consider consulting an attorney regarding their application.

You are encouraged to review the attached Rules of Procedures used by the Board of Adjustment at the public hearing.

I/we being duly sworn, depose and say that I am/We are the owner(s)/lessee(s) of land included in the application and that the foregoing statements herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability represent the arguments on behalf of the application herewith submitted and that the statements and attached exhibits referred to are in all respect true and correct to the best of my/or knowledge and belief.

In addition, I/We understand this application must be filed with all pertinent information as it pertains to the requirements of the Town of Hopkinton Zoning Ordinance and all other information requested or required by the Zoning Board of Adjustment in order to be considered complete. I/We understand that this application will not be filed until all required information has been received, and do further understand that the Town of Hopkinton reserves the right to postpone this request until such time as the requirements are met.

Furthermore, I/We understand that I/We, our representative as stated on the application, should appear at the public hearing. If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, said evidence will become property of the Town of Hopkinton and will remain on file for future reference.

Also, I/We recognize and understand that the public hearing before the Board of Adjustment regarding land development is considered quasi-judicial in nature. **State and local law strictly prohibits applicants and/or interested parties from taking part in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at a public hearing.**

Applicant's Signature: [Signature] Date: 8/24/23

Owner's Signature(s): [Signature] Date: 8/24/23

EXHIBIT A

A CERTAIN TRACT OF LAND WITH THE BUILDINGS AND IMPROVEMENTS THEREON SITUATED IN THE VILLAGE OF CONTOOCOOK, TOWN OF HOPKINTON, COUNTY OF MERRIMACK AND STATE OF NEW HAMPSHIRE, BOUNDED AND DESCRIBED AS FOLLOWS:

BEING LOT 47 OF MAP 102, MERRIMACK COUNTY RECORDS, BEGINNING ON THE HIGHWAY NEARLY OPPOSITE THE METHODIST CHURCH, BY THE NORTHWEST CORNER OF LAND FORMERLY OWNED BY THOMAS CHASE; THENCE EASTERLY BY SAID CHASE LAND, 106 FEET TO A STAKE AND STONES; THENCE AT RIGHT ANGLES TO SAID LINE 20 FEET NORTHERLY TO A STAKE AND STONES; THENCE WESTERLY 113 FEET TO SAID HIGHWAY AND TO A POINT 50 FEET FROM THE FIRST NAMED POINT; THENCE 50 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO AGREEMENTS, CONDITIONS AND RESTRICTIONS AS SET FORTH IN BOOK 2175 PAGE 716 RECORDED 09/16/1999, MERRIMACK COUNTY RECORDS.

MCRD

MERRIMACK COUNTY RECORDS

Kath L. Gray CPO, Register

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VARIANCE
(Section XV)

In order to secure a variance, the Zoning Board of Adjustment must determine by law that your variance request satisfies the following criteria of the Zoning Ordinance. **Please provide a written response along with any other supporting documentation for each of the following criteria.** Please note that all criteria must be satisfied and supported by the Zoning Board of Adjustment in order for a variance to be granted. Should the space provided be inadequate, please attach additional pages to this application.

1. The proposed use would not diminish surrounding property values because:

1- THE SURROUNDING PROPERTIES ARE RENTAL 3 RETAIL COMMERCIAL. THE OUTBUILDING WILL ADD VALUE TO THE HOME, WHICH INCREASES MARKET VALUE WITHIN THE AREA. AND THE FENCE PROVIDES A SUITABLE AND SECURE BOUNDARY.

2. Granting the variance would not be contrary to the public interest because:

THE SMALL BUILDING IS REPLACING ONE THAT HAS STOOD FOR 20 YEARS WITHOUT INCIDENT OR COMPLAINT. THE FOOTAGE IS THE SAME AS THE PREVIOUS.

3. By granting the variance substantial justice would be done because:

THE HISTORICAL BUILD OF OUR HOME AND LAND PLOT (.09 ACRES) ALLOWS LITTLE STORAGE SPACE TO SAFELY STORE LAWN/GARDEN/TOOLS AWAY FROM OUR HOME. AND IT REFLECTS LIVING IN A TOWN THAT ALLOWS FAMILIES TO USE THEIR PROPERTY.

4. The spirit and intent of the Ordinance will not be broken by granting the variance because:

THERE WAS NO ISSUE WITHIN THE LAST 20 YEARS OUR HOME DEPOT SITED EXISTED.

5. Literal enforcement of the ordinance results in unnecessary hardship.

- (a) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.

WITHOUT THE NEW OUTBUILDING WE ARE UNABLE TO STORE ITEMS SAFELY. THAT BELONG OUTSIDE BUT SHELTERED.

- (ii) The proposed use is a reasonable one.

ITS A FAMILY SITED- THAT'S IT. SAFE STORAGE OF TOOLS / GAS / ETC. IT ADDS PROPERTY VALUE WE ARE FULLY FENCED- IT DOES NOT AFFECT THE NEIGHBORS.

- (b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

WE ARE SURROUNDED BY RENTALS MR MIKES, DUMPSTERS, AND A RESTAURANT. 3 CHURCH WE ARE THE ONLY SINGLE FAMILY HOME ON THIS SECTION OF MAPLE STREET.



76 feet Abutters List Report

Hopkinton, NH
August 23, 2023

Subject Property:

Parcel Number: 102-047-000
CAMA Number: 102-047-000
Property Address: 23 MAPLE ST

Mailing Address: FLANAGAN NEIL V & MELINDA M
PO BOX 123
CONTOOCOOK, NH 03229

Abutters:

Parcel Number: 101-005-000
CAMA Number: 101-005-000
Property Address: 881 MAIN ST(&879)

Mailing Address: FOX GEARY ESTATE LLC
44 NORTH SHORE RD PO BOX 412
DERRY, NH 03038 03229
Hopkinton

Parcel Number: 101-007-000
CAMA Number: 101-007-000
Property Address: 14 MAPLE ST

Mailing Address: ROSE VIEW PROPERTIES LLC
100 CHASE FARM ROAD
CONTOOCOOK, NH 03229

Parcel Number: 102-046-000
CAMA Number: 102-046-000
Property Address: 28 MAPLE ST(&24)

Mailing Address: UNITED METHODIST CHURCH
PO BOX 356
CONTOOCOOK, NH 03229

Parcel Number: 102-048-000
CAMA Number: 102-048-000
Property Address: 31 MAPLE ST

Mailing Address: FLENNIKEN ENTERPRISES
71 MARBLEHEAD ROAD
WINDHAM, NH 03087



www.cai-tech.com

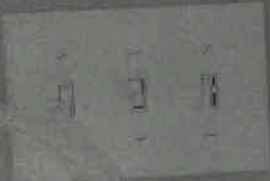
8/23/2023

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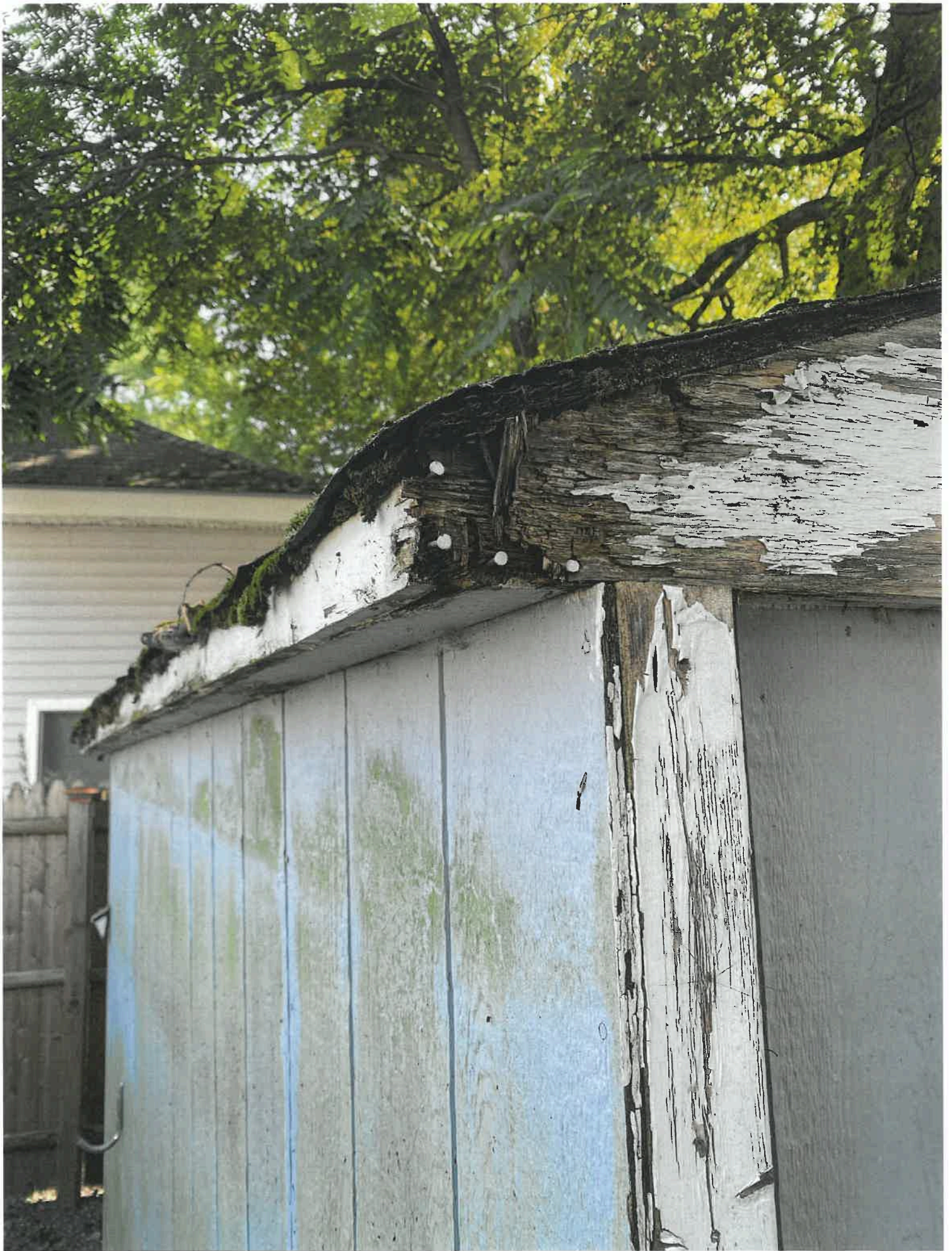
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**23 MAPLE STREET
TAX MAP 102, LOT 47
VR-1 DISTRICT**









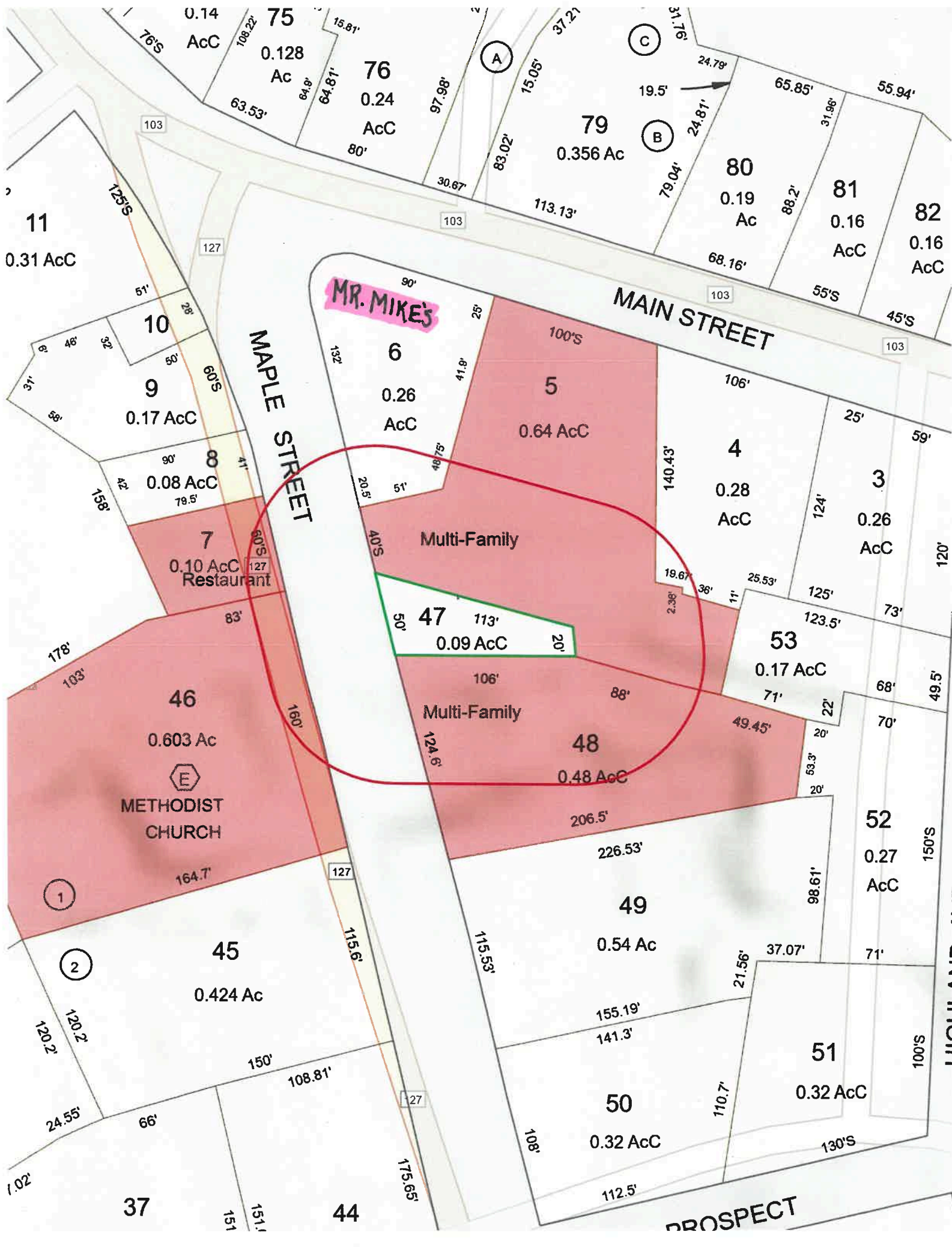






NEW SHED





NOT TO SCALE

PORTER BLDG.
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